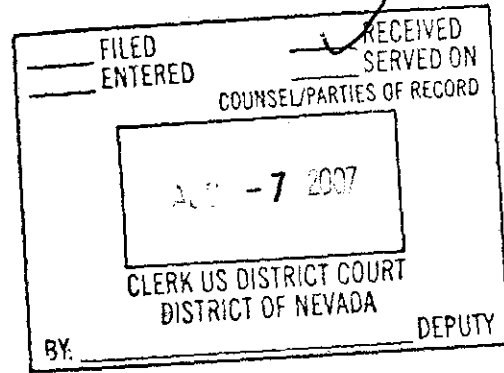


Donald Towne  
 Name  
LOVELOCK CORRECTIONAL CENTER  
P.O. Box 359  
Lovelock, NV. 89419-0359  
 Address  
42207  
 Prison Number



**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

Donald Towne  
 Plaintiff,

vs.

William Donat

Howard Skulnick

Anita Habberfield

Bonda Larsen

Defendant(s).

3:07-cv-00349

**CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983**

JURY TRIAL DEMANDED

**A. JURISDICTION**

- 1) This complaint alleges that the civil rights of Plaintiff, Donald Towne  
 (print Plaintiff's name)

who presently resides at P.O. Box 359, were  
 (mailing address or place of confinement)

violated by the actions of the below named individuals which were directed against  
 Plaintiff at Lovelock Correctional Center on the following dates  
 (institution/city where violation occurred)

3/21/06, 3/21/06, and 3/21/06  
 (Count I) (Count II) (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant William Donat resides at Nevada State Prison  
(full name of first defendant) (address of first defendant)  
and is employed as Warden. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Employed for the Nevada Department of  
Corrections during this action.

3) Defendant Howard Skolnick resides at Carson City  
(full name of first defendant) (address of first defendant)  
and is employed as N.D.O.C. Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Employed for the Nevada Department of  
Corrections during this action.

4) Defendant Anita Habberfield resides at Carson City  
(full name of first defendant) (address of first defendant)  
and is employed as Caseworker, N.S.P.. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Employed for the State of Nevada during  
this action.

5) Defendant Bonda Larson resides at Carson City  
(full name of first defendant) (address of first defendant)  
and is employed as unknown. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting  
under color of law: Employed for the State of Nevada during  
this action.

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_

(full name of first defendant)

(address of first defendant)

and is employed as \_\_\_\_\_ This defendant is sued in his/her

(defendant's position and title, if any)

\_\_\_\_ individual \_\_\_\_ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

RLUIPA 42 U.S.C. § 2000 c.c.

#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

Plaintiff is incarcerated in the Nevada Department of Corrections, presently at the Lovelock Correctional Center. Plaintiff's religion is Wiccan. As such many of the books plaintiff needs to access for his religious beliefs only come in "hardbound" format. The Nevada Department of Corrections enforces A.R. 750 that will only allow ~~hardbound~~ books to be softbound books into the Nevada institutions.

## C. CAUSE OF ACTION

## COUNT I

The following civil right has been violated: First Amendment

Free speech

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Due to the Nevada Department of Corrections policy, A.R. 750, not allowing hardbound books, I am being denied my First Amendment right to free speech and freedom of expression.

William Donat refused to allow a change in this policy at Nevada State prison through the grievance procedure.

Howard Skulnick is the N.D.O.C. director who authorized A.R.'s to be enforced within each institution.

Anita Haberfield refused to correct this violation in the informal level of the grievance procedure.

Ronda Larsen refused to correct this violation in the second level of the grievance procedure.

## COUNT II

The following civil right has been violated: First Amendment Right  
to free exercise of religion.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff as a Wiccan, has specific religious text that is only published in hardbound form. The N.D.O.C.'s policy which only allows softbound books makes it impossible for plaintiff to engage in the reading and study of his sacred religious text.

Defendant William Donat refused to correct this violation in the informal level of the grievance procedure.

Defendant Howard Skulnick as N.D.O.C. Director establishes these A.R.'s to be enforced.

Defendant Anita Halberfield refused to correct this violation in the informal level of the Grievance procedure.

Defendant Ronda Larson refused to correct this issue in the Second level of the grievance procedure.

## COUNT III

The following civil right has been violated: 14<sup>th</sup> Amendment

due-process

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The N.D.O.C.'s policy of banning these books prior to their being reviewed at the Institution (Hardbound books), does not allow them to be reviewed on a case by case basis to see whether or not they are a threat to the institution and violates plaintiffs due-process rights.

Defendant William Donat refused to correct this violation in the First level of the grievance procedure.

Defendant Howard Jkulaick approves A.R.'s to be enforced within the N.D.O.C.

Defendant Anita Habberfield refused to correct this violation in the Informal level of the Grievance.

Defendant Ronda Larsen refused to correct this violation in the Second level of the Grievance.

**D. PREVIOUS LAWSUTTS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action?    Yes X No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

- a) Defendants: \_\_\_\_\_
- b) Name of court and docket number: \_\_\_\_\_
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
 \_\_\_\_\_  
 \_\_\_\_\_
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted**?    Yes X No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one):    frivolous  
   malicious or    failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): ☐ frivolous  
☐ malicious or ☐ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): ☐ frivolous  
☐ malicious or ☐ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ☐ disciplinary hearing; (2) ☐ state or federal court decision; (3) ☐ state or federal law or regulation; (4) ☐ parole board decision; or (5) ☐ other \_\_\_\_\_

If your answer is "Yes", provide the following information. Grievance Number 2006-4-4251

Date and institution where grievance was filed 3/21/06 Nevada State Prison



Response to grievance: books may only be paperback

**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

Injunctive relief to prevent the defendant from  
continuing to violate my rights.

Declaratory relief that defendants violated my rights.

Monetary relief in excess of \$10,000.00

Punitive damages.

Reimbursement for legal costs.

Compensatory damages in excess of \$10,000.00

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

\_\_\_\_\_  
(Name of person who prepared or helped  
prepare this complaint if not Plaintiff)

*Donald H. Williams Jr.*  
(Signature of Plaintiff)

8-3-07

(Date)

\_\_\_\_\_  
(Additional space if needed; identify what is being continued)